

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SHAWN GABILONDO,

Petitioner,

v.

1:14-cv-00941-MCA-LF

GERMAN FRANCO, Warden, and
GARY K. KING, Attorney General
of the State of New Mexico,

Respondents.

**MEMORANDUM OPINION AND ORDER ADOPTING MAGISTRATE
JUDGE'S PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER comes before the Court on Magistrate Judge Laura Fashing's Proposed Findings and Recommended Disposition (Doc. 20) (Report) and petitioner Shawn R.

Gabilondo's objections to the Report (Doc. 21). Having reviewed the record in this case, the Court overrules Gabilondo's objections and adopts the magistrate judge's recommendation to dismiss Gabilondo's petition with prejudice.

I. Standard of Review

When a party files timely written objections to the magistrate judge's recommendation, the district court generally will conduct a de novo review and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(C); *see also* FED. R. CIV. P. 72(b)(3). However, to preserve an issue for de novo review, "a party's objections to the magistrate judge's report and recommendation must be both timely and specific." *United States v. One Parcel of Real Prop., With Buildings, Appurtenances, Improvements, & Contents, Known as: 2121 E. 30th St., Tulsa, Oklahoma*, 73 F.3d 1057, 1060 (10th Cir. 1996). "[O]nly an objection that is sufficiently specific to focus the district court's

attention on the factual and legal issues that are truly in dispute will advance the policies behind the Magistrate's Act" *Id.* "Just as a complaint stating only 'I complain' states no claim, an objection stating only 'I object' preserves no issue for review." *Id.* (internal citation omitted).

II. Discussion

Gabilondo's objections state little more than the fact that he objects. He does not object to any specific findings or recommendations in the magistrate judge's Report. His objections are, therefore, insufficient to preserve any issues for de novo review.

Gabilondo's request for the appointment of counsel—contained within his objections—is without merit and is denied. Requests for appointment of counsel must be made by motion and "must state with particularity the grounds and the relief sought." *See* D.N.M.LR-Civ. 7.1. Even overlooking Gabilondo's failure to follow the local rules, the Court notes that Gabilondo's previous request for counsel (Doc. 18) was denied based on his claims' lack of merit and complexity (Doc. 19). The Court sees no reason to revisit this denial.

Gabilondo's objections (Doc. 21) are overruled and his request for the appointment of counsel is denied.

IT IS THEREFORE ORDERED that the Proposed Findings and Recommended Disposition (Doc. 20) is ADOPTED by the Court.

IT IS FURTHER ORDERED that this case be DISMISSED WITH PREJUDICE and that a final judgment be entered concurrently with this order.

IT IS SO ORDERED.


CHIEF UNITED STATES DISTRICT JUDGE